

Sean J. Kirby
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
30 Rockefeller Plaza, 39th Floor
New York, New York 10112
Telephone: 212.653.8700
Facsimile: 212.653.8701

Gregory F. Hurley (*Pro Hac Vice* Admission Pending)
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
650 Town Center Drive, 10th Floor
Costa Mesa, California 92626-1993
Telephone: 714.513.5100
Facsimile: 714.513.5130

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STEVEN MATZURA, ON BEHALF OF
HIMSELF AND ALL OTHER PERSONS
SIMILARLY SITUATED,

Plaintiffs,

v.

DECKERS OUTDOOR CORPORATION,

Defendant.

Case No. 1:19-cv-11562-PGG-KHP

**DEFENDANT'S NOTICE OF
MOTION TO DISMISS**

Oral Argument Requested

PLEASE TAKE NOTICE that, upon the Declaration of Sean J. Kirby, dated May 8, 2020, with exhibit, the accompanying Memorandum of Law in Support, and any and all prior pleadings and proceedings herein, Defendant Deckers Outdoor Corporation (“Defendant”), by and through its undersigned counsel, Sheppard, Mullin, Richter and Hampton LLP, will move this Court before the Honorable Paul G. Gardephe, on a date and at a time designated by the Court, at Courtroom 705 at the Courthouse located at 40 Foley Square, New York, NY 10007, pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, for an Order: (i) dismissing Plaintiff Steven Matzura’s (“Plaintiff”) First Amended Complaint in its entirety; (ii) denying Plaintiff leave

to amend his First Amended Complaint; and (iii) granting such other and further relief, including costs and attorneys' fees, as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court's Order dated March 25, 2020 (Dkt. No. 23), opposition papers to this motion shall be served by June 8, 2020, and reply papers shall be served by June 22, 2020.

PLEASE TAKE FURTHER NOTICE that Defendant hereby requests oral argument on its motion.

Dated: May 8, 2020

Sheppard, Mullin, Richter & Hampton LLP

/s/ Sean J. Kirby
Sean J. Kirby
Gregory Hurley (*Pro Hac Vice* Admission Pending)
30 Rockefeller Plaza
New York, New York 10112